

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

<p>PARKE GORDON, LLC,</p> <p>Plaintiff,</p> <p>vs.</p> <p>PEACEHEALTH CORPORATION,</p> <p>and MRO</p> <p>Defendants.</p>	<p>Case No. 6:22-cv-00484</p> <p>COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF</p> <p>45 CFR § 164.508 (Authorization for Release of Medical Records)</p>
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Plaintiff, by and through its undersigned counsel of record, hereby alleges and complains as follows:

JURISDICTION AND VENUE

1. Plaintiff, Parke Gordon, LLC (“Plaintiff”) is a law firm with offices registered and operating in the State of Oregon.
2. Defendant PeaceHealth (“PeaceHelath”) at all relevant times was a business registered and operating in Oregon.
3. Defendant MRO Corporation (“MRO”) at all relevant times was a business registered and operating in Oregon.
4. This Court has subject matter jurisdiction over this claim pursuant to 28 U.S.C. §

1331 because it presents a question of federal law.

5. This Court has authority to grant declaratory and other relief under 28 U.S.C. § 2201 and 2202.

6. Venue is appropriate under 28 U.S.C. § 1391 because a substantial part of the events giving rise to the claim occurred in this District, and because defendants operate and do business in this Judicial District.

FIRST CAUSE OF ACTION – VIOLATION OF 45 CFR § 164.508

REFUSAL TO RELEASE MEDICAL RECORDS

1. PeaceHealth operates a number of medical facilities and clinics in Oregon which do business under assumed business names.

2. Plaintiff represents clients (“Clients”) in personal injury matters for which they receive care for their injuries from PeaceHealth.

3. Clients sign authorizations for release of their medical records (“Release”), which comply with all parts of 45 CFR § 164.508, which sets forth the elements necessary under federal law for a medical provider such as PeaceHealth to release a patient’s medical records.

4. PeaceHealth contracts with MRO to respond to requests by patients for copies of medical records.

5. Plaintiff has requested its clients’ medical records from PeaceHealth by submitting a letter to MRO and including a copy of the Release.

6. In response to Plaintiff’s request for medical records, MRO refuses to provide clients with medical records because it says PeaceHealth has internal policies governing the release of medical records and those internal policies deviate from, and contain additional burdens, not required by federal law.

7. Due to defendants' refusal of to recognize and respond to the valid Release, Plaintiff is unable to obtain medical records necessary to pursue their clients' claims, and accordingly defendants are enforcing practices and procedures that deprive Plaintiff and its clients of their rights under 45 CFR § 164.508.

8. Plaintiff is entitled to declaratory and injunctive relief against defendants' practices and refusal to recognize the Release and timely provide clients' medical records.

REQUEST FOR RELIEF

9. Issuing an injunction requiring defendants to immediately release clients' medical records to Plaintiff.

10. Declare Plaintiff's entitlement to clients' medical records under 45 CFR § 164.508 are violated by defendants' refusal to recognize the Release.

11. Preliminarily and permanently enjoin defendants from refusing to provide medical records for any reason other than those set forth in 45 CFR § 164.508.

12. Order such additional relief as may be just and proper.

DATED March 28, 2022.

PARKE GORDON, LLC

/s/ Joel T. Janke

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